

IPW



PATENT  
Customer No. 22,852  
Attorney Docket No. 09138.0006-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Henrik STENDER et al. ) Group Art Unit: 1634  
Application No.: 10/786,076 ) Examiner:  
Filed: February 26, 2004 )  
For: NOVEL PROBES FOR THE )  
DETECTION OF MYCOBACTERIA )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

Copies of the listed documents were previously submitted in a prior application, application no. 09/544,934 filed April 7, 2000, which is a Divisional of 08/943,777 filed October 3, 1997, upon which applicant relies for the benefits provided in 35 U.S.C. § 120. Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicants determine that the cited documents do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

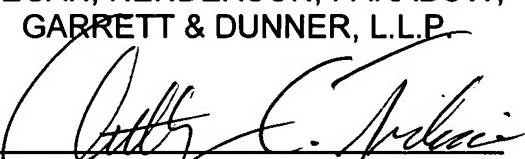
If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: June 17, 2004

By:

  
Anthony C. Tridico  
Reg. No. 45,958



OMB No. 0651-0011

## INFORMATION DISCLOSURE CITATION

Atty. Docket No.	09156-0006-03	Appln. No.	10/786,076
Applicant	Henrik STENDER et al.		
Filing Date	February 26, 2004	Group:	1634

## U.S. PATENT DOCUMENTS

Examiner Initial*	Document Number	Issue Date	Name	Class	Sub Class	Filing Date If Appropriate
	5,316,784	31 May 1994	Maurer et al.			
	5,422,242	6 Jun. 1995	Young			
	5,521,300	28 May 1996	Shah et al.			
	5,541,308	30 Jul. 1996	Hogan et al.			
	5,547,842	20 Aug. 1996	Hogan et al.			
	5,582,985	10 Dec. 1996	Thompson			
	5,726,021	10 Mar. 1998	Britschgi et al.			

## FOREIGN PATENT DOCUMENTS

	Document Number	Publication Date	Country	Class	Sub Class	Translation Yes or No
	EP 572,120	1 Dec. 1993	Europe			Y
	WO 95/17430	29 Jun. 1995	PCT			
	WO 95/32305	30 Nov. 1995	PCT			Y
	WO 92/20702	26 Nov. 1996	PCT			
	WO 92/20703	26 Nov. 1996	PCT			
	WO 96/02558	1 Feb. 1996	PCT			
	WO 96/17956	13 Jun. 1996	PCT			Y
	WO 96/36734	21 Nov. 1996	PCT			Y
	WO 97/18325	22 May 1997	PCT			
	WO 98/15648	16 Apr. 1998	PCT			

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

Egholm et al.; Nature, Vol. 365, pp. 566-570, 1993
Dueholm et al.; Bioorganic & Med. Chem. Letters, Vol. 4, pp. 3601-3604, 1995
Roberts et al.; Tetrahedron Letters, Vol. 36, No. 12, pp. 3601-3604, 1995

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OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)	
	Horn et al.; Tetrahedron Letters, Vol. 36, No. 12, pp. 2033-2036, 1995
	Haaima et al.; Agnew Chemie Int. Ed. Engl., Vol. 35, No. 17, pp. 1939-1942, 1996

Examiner	Date Considered
*Examiner:	Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.
Form PTO 1449	Patent and Trademark Office - U.S. Department of Commerce